

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENNIS LAMAR JAMES, JR.,

No. C 13-1092 SI (pr)

Plaintiff,

SCHEDULING ORDER

v.

HAYWARD POLICE DEPARTMENT;
et al.,Defendants.

In this action, plaintiff contends that he was unlawfully arrested and subjected to excessive force by members of the Hayward Police Department on March 23, 2011. In a separate order filed today, the court has lifted the stay of this action that has been in place since July 1, 2014. *See* Docket # 26. It is now time to resume efforts toward the resolution of plaintiff's claims.

At the time this action was stayed, plaintiff had not yet filed an opposition to defendants' motion for summary judgment. When it issued the stay, the court dismissed defendants' motion for summary judgment without prejudice to defendants filing a new motion after the stay is lifted. Docket # 26 at 3. In a footnote, the court observed: "Defendants urge in their motion that there is only 'a single excessive force claim.' Docket # 18 at 2. The order of service plainly identified both an excessive force claim and an unlawful arrest claim. Defendants should address both claims in any renewed motion for summary judgment." Docket # 26 at 3 n.1. The court now sets the following schedule for defendants to file a new motion for summary judgment:

1 1. No later than **June 26, 2015**, defendants must file and serve their motion for
2 summary judgment. At the time they serve their motion for summary judgment, defendants must
3 also serve on plaintiff (but need not file with the court) a copy of each and every statute, rule and
4 case cited in their memorandum of points and authorities in support of the motion for summary
5 judgment.

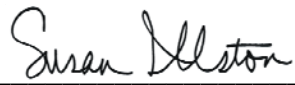
6 2. No later than **August 7, 2015**, plaintiff must file and serve on defense counsel his
7 opposition to the motion for summary judgment. In preparing his opposition, plaintiff is
8 cautioned to read the notice and warning about motions for summary judgment at page 5 of the
9 order of service.

10 3. No later than **August 21, 2015**, defendants must file and serve their reply brief,
11 if any.

12 4. The clerk will mail to plaintiff a copy of his complaint and the order of service.
13 Docket # 1 and # 4.

14 IT IS SO ORDERED.

15 Dated: May 5, 2015



SUSAN ILLSTON
United States District Judge